IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 22969 of 1998

Between:

1. B. Eranna s/o B. Ramalingappa, aged about 45 years, R/o. 8/6, Mugetipeta, Yemmiganur, Kurnool District,
2. B. Govindamma w/o Ramachengappa, aged about 65 years, D.No. 8/6,Mugetipeta, Yemmiganur, Kurnool District,
3. U.K. Bhemanna s/o U.K. Eranna, aged about 38 years, Agriculturist, R/o D.No. 2/169, Upper Street, Yemmiganur, Kurnool District,
4. U.K. Ramesh s/o U.K.Allappa, aged about 35 years, D.No. 2/168, Upper Street, Yemmiganur, Kurnool District,
5. Chakali Chinna Hussain s/o late Chakali Potappa, aged about 50 years, Agriculturists, Yemmiganur, Kurnool District.

..... PETITIONERS

AND

1 Government of A.P., Rep. by its Secretary, Revenue Department Secretariat, Hyderabad.
2 District Collector, Kurnool , Kurnool District
3 Revenue Divisional Officer, Adoni, Kurnool District.
4 Mandal Revenue Officer, Yemmiganur, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of

Mandamus declaring the Notification issued Under Sec.4(1) of the Land Acquisition Act by the 2nd Respondent vide his proceedings No. 3328/97 dt:8.9.1997 published in A.P.,Hyderabad Edition dt:28.9.1997, proposing to acquire the lands of the Petitioners i.e PETITIONER NO. EXTENT SY.Nos.1st Petitioner Ac. 1-24 Cents 272 B, 2nd Petitioner Ac. 0-15 " 275 B/2 3rd Petitioner Ac. 2-21 " 273 4th Petitioner Ac. 3-64 " 272A Ac. 2-94 " 273 Ac. 2-57 " 274 5th Petitioner Ac. 0-52 " 445 Ac. 0-84 "445 " situated at Yemmiganur Village and Mandal, Kurnool District, as illegal and arbitrary and set-aside the same and further declare the dispensing with the Enquiry Under Sec.5-A of the Land Acquisition Act is contrary to the Principles of Natural Justice and violative of Articles 14 and 21 of the Constitution of India as well direct the respondents to hear the objections of the petitioners before proceeding with the acquisition.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

O R D E R

The petitioners approached this Court and filed the present writ petition seeking a writ of Mandamus declaring the Notification issued under Sec. 4 (1) of the Land Acquisition Act, as illegal and arbitrary.

It is submitted that the petitioners are small farmers having small extent of lands and are eking out their livelihood by doing agriculture and their grievance is that although other lands belonging to the Government are available, intentionally the 2nd respondent issued 4 (1) Notification proposing to acquire the lands of the petitioners and dispensed with the enquiry under Sec. 5-A of the Land Acquisition Act by invoking emergency clause under Sec. 17 (4) of the Land Acquisition Act, declaring that the lands are needed for public purpose i.e. for the purpose of construction of summer storage tank and as such the enquiry under Section 5-A of the Land Acquisition Act was deliberately dispensed with a view to avoid valid objections from the petitioners.

While admitting this writ petition, this Court, on 17.8.1998, granted stay of dispossession of the petitioners from the lands in question. However, this Court directed the respondents to continue the other proceedings.

Both the learned counsel have brought to my notice that in identical circumstances questioning the very same 4 (1) Notification, another Writ Petition No. 4339 of 1998 was filed and this Court disposed of the said writ petition directing the respondents therein to hold an enquiry as contemplated under Sec. 5-A of the Act.

In the light of the contentions put-forth by the petitioners as well as their learned Counsel and also taking the fact that this Court already directed the authorities to hold an enquiry with regard to some other petitioners, I deem it appropriate to direct the respondents herein to hold an enquiry after receiving objections from the petitioners herein as contemplated under Sec. 5-A of the Land Acquisition Act.

This writ petition is accordingly disposed of. No costs.

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30th December, 2004

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To

1 The Secretary, Revenue Department, Government of A.P.,

Secretariat, Hyderabad.
2 The District Collector, Kurnool, Kurnool District,

3 The Revenue Divisional Officer, Adoni, Kurnool District.
4 The Mandal Revenue Officer, Yemmiganur, Kurnool District

5. 2 C.Cs to Govt. Pleader for Land Acquisition, High Court buildings,

Hyderabad (O.U.T.)

6. 2 C.D. copies.